

Amendments to the Drawings:

The attached replacement sheets of drawings include changes to Fig. 1 and Fig. 4. The drawings were objected to as failing to comply with 37 CFR 1.84(p)(5). Figure 1 does not include the following reference sign mentioned in the description: “10”. Figure 4 does not include the following reference sign mentioned in the description: “316”. Applicants have amended Figure 1, adding the reference sign “10”. Applicants have further amended Figure 4, adding the reference sign “316”.

Related appendix: Replacement Sheets 1 – 5
 Annotated Sheets 1 – 5 Showing Changes

REMARKS

The present application discloses business methods and systems for effectively conducting and controlling online auctioneering by precluding or blocking submitted bids automatically prior to such bids being considered during an auction.

Reconsideration of the application, as amended, is requested. Claims 1 – 4, 7, 9, 13 – 16, 19 have been amended. Claims 5, 6, 8, 10 – 12, 17, 18 have been canceled without prejudice or disclaimer. Claims 20 – 25 have been added. No new matter has been added by these amendments. Claims 1 – 4, 7, 9, 13 – 16, 19 – 25 remain pending in this application.

Claims 20 – 25 have been added. Applicants submit that these added amendments have not presented any new matter. Specifically see: page 4, lines 12 – 18.

Applicant respectfully requests reconsideration and allowance of pending claims in view of the amendments above and the remarks that follow.

ARGUMENTS

In section 2 the Office Action objects to the form of the specification. Applicants have amended the specification to address the Office Action concerns. Amendments to the Specification begin on page 2 of this paper.

In section 3 and 4 the Office Action objects to the form of the claims. Applicants have amended the claims to address the Office Action concerns. Amendments to the Claims begin on page 12 of this paper.

Rejections under 35 U.S.C 103

In section 6 of the Office Action, the Examiner rejects claims 1-12, and 19 under 35 U.S.C. § 103 as being unpatentable over Harrington et al., US Patent No. 6,161,099 herein referred to as Harrington in view of Lucking-Reiley, David, Auctions on the Internet: What's

Being Auctioned, and How?, September 2000, The Journal of Industrial Economics, Volume XLVII, No. 3, page 244, herein referred to as Lucking-Reiley. Applicants respectfully traverse this rejection in light of the current amendments and the following arguments.

Regarding section 7, claim 1 as currently amended, recites a method: “setting at least one non monetary parameter value for use in precluding a submitted bid of one or more bidders by a seller identifying the non monetary parameter value when registering for an auction at one computer system; and, automatically precluding the submitted bid of the one or more bidders at other computer systems on the network during the auction event that are identified by the set non monetary parameter value, wherein the parameter value relates to either a membership history value or a bidding history value of the one or more bidders.” In this section the office action states that, “Harrington et al. does not teach the portion of the method where the seller identifies the parameter value. Lucking-Reiley, however, does teach the method of setting at least one parameter value for use in precluding submitted bids of one or more bidders by a seller identifying the parameter value when registering for an auction at one computer system, i.e., on listing-agent sites, the individual seller chooses “a minimum acceptable bid amount” as a parameter in the auction listing (see page 244, lines 9-11 of Lucking-Reiley).”

Applicants respectfully submit that Lucking-Reiley does not teach setting at least one parameter value for use in precluding a submitted bid of one or more bidders by a seller identifying the parameter value when registering for an auction at one computer system, wherein the parameter value relates to either a membership history value or a bidding history value of the one or more bidders. Lucking-Reiley teaches a seller selecting parameter values relating to a bid price amount (i.e., a minimum acceptable bid amount), and not parameter value relating to either a membership history value or a bidding history value of the one or more bidders applicants argue. Therefore, Lucking-Reiley is an inadequate reference utilized to preclude allowance of claim 1.

Applicants respectfully submit that no new matter was added in the amendment to claim 1. The application at page 4, line 11 – 18 teaches the parameter value relating to either a membership history value or a bidding history value of the one or more bidders.

Applicants agree with the office action that Harrington et al. does not teach the method of setting at least one parameter value for using in precluding submitted bids of one or more bidders

by a seller identifying the parameter value when registering for an auction at one computer system. Further, applicants submit that Harrington et al. does not teach a seller setting at least one parameter value for use in precluding a submitted bid of one or more bidders, wherein the parameter value relates to either a membership history value or a bidding history value of the one or more bidders. Harrington et al. merely teaches verifying that each bid is in conformance with predetermined bid parameters generally without teaching that the parameter values relate to either a membership history value or a bidding history value of the one or more bidders the bid parameters. Therefore applicants respectfully submit that Harrington et al. is also an inadequate reference utilized to preclude allowance of claim 1.

Applicants traverse the office action's assertion that it would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Lucking-Reiley to the method of Harrington et al. To establish a prima facie case of obviousness, the prior art references when combined must teach or suggest all the claim limitations. Because Lucking-Reiley and Harrington et al., does not teach a seller identifying the parameter value when registering for an auction at one computer system where the parameter value relates to either a membership history value or a bidding history value of the one or more bidders, the prima facie case of obviousness is not satisfied. Thus one of ordinary skill in the art would not have the motivation to combine the Lucking-Reiley and Harrington et al. references.

Therefore, for the reasons above, the applicants submit that Harrington et al. and Lucking-Reiley are not properly utilized in the rejection of claim 1 and that claim 1 is currently allowable.

In section 8, applicants traverse the office action statement that "Harrington et al. further teaches the method wherein the seller sets the at least one parameter value by an item registration mechanism when registering the auction at the one computer system for the auction even, i.e., the Administration menu is used to create, modify or terminate auctions (see column 11, lines 63-65 of Harrington et al.)" In section 7 the office action states that "Harrington et al. does not teach the portion of the method where the seller identifies the parameter value." *Emphasis added.* For this reason coupled with applicants assertion that Lucking-Reiley and Harrington et al. does not teach a seller identifying a parameter value, where the parameter value relates to either a

membership history value or a bidding history value of the one or more bidders, applicants argue that Harrington et al. and Lucking-Reiley are inadequate references utilized to preclude allowance of claim 2.

Regarding sections 9 and 10 applicants respectfully assert that Harrington et al. and Lucking-Reiley are inadequate references utilized to preclude allowance of claims 3 and 4 for the reasons stated above. Particularly that, dependent claims 2 and 4 depend from dependent claim 2, which, applicants respectfully argue, is presently allowable.

Sections 11 and 12 are presently moot as applicant's have canceled claims 5 and 6.

Regarding sections 13 and 14 applicants respectfully assert that Harrington et al. and Lucking-Reiley are inadequate references utilized to preclude allowance of claims 7 and 8 for the reasons stated above. Particularly that, dependent claims 7 and 8 depend from dependent claim 4 and 7, respectively, which applicants respectfully argue are presently allowable.

Regarding section 15, claim 9 as currently amended, recites a computer system comprising: "a memory containing an item registration application which accepts seller input regarding an auction, and a bid monitoring application, the bid monitoring application is configurable by the seller input; and, a processor which performs operations comprising: setting at least one parameter value for use in precluding submitted bids of one or more bidders by a seller identifying the parameter value when registering for the auction using the item registration application; and, automatically precluding one or more bids from the one or more bidders at another computer system on the network during the auction event that is identified by the parameter value; wherein the parameter value relates to either a membership history value or a bidding history value of the one or more bidders." In this section the office action states that, "Harrington et al. does not explicitly teach the portion of the method where the seller identifies the parameter value. Lucking-Reiley, however, does teach the method of setting at least one parameter value for using in precluding submitted bids of one or more bidders by a seller identifying the parameter value when registering for an auction using the item registration

application, i.e., on listing-agent sites, the individual seller chooses “a minimum acceptable bid amount” as a parameter in the auction listing (see page 244, lines 9-11 of Lucking-Reiley).”

Applicants respectfully submit that Lucking-Reiley does not teach setting at least one parameter value for use in precluding a submitted bid of one or more bidders by a seller identifying the parameter value when registering for an auction at one computer system, wherein the parameter value relates to either a membership history value or a bidding history value of the one or more bidders. Lucking-Reiley teaches a seller selecting parameter values relating to a bid price amount (i.e., a minimum acceptable bid amount), and not parameter value relating to either a membership history value or a bidding history value of the one or more bidders applicants argue. Therefore, Lucking-Reiley is an inadequate reference utilized to preclude allowance of claim 9.

Applicants respectfully submit that no new matter was added in the amendment to claim 9. The application at page 4, line 11 – 18 teaches the parameter value relating to either a membership history value or a bidding history value of the one or more bidders.

Applicants agree with the office action that Harrington et al., does not teach the method of setting at least one parameter value for using in precluding submitted bids of one or more bidders by a seller identifying the parameter value when registering for an auction at one computer system. Further, applicants submit that Harrington et al. does not teach a seller setting at least one parameter value for use in precluding a submitted bid of one or more bidders, wherein the parameter value relates to either a membership history value or a bidding history value of the one or more bidders. Harrington et al. merely teaches verifying that each bid is in conformance with predetermined bid parameters generally without teaching that the parameter values relate to either a membership history value or a bidding history value of the one or more bidders the bid parameters. Therefore applicants respectfully submit that Harrington et al. is also an inadequate reference utilized to preclude allowance of claim 9.

Applicants traverse the office action’s assertion that it would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Lucking-Reiley to the method of Harrington et al. To establish a prima facie case of obviousness, the prior art references when combined must teach or suggest all the claim limitations. Because Lucking-Reiley and Harrington et al., does not teach a seller identifying the

parameter value when registering for an auction at one computer system where the parameter value relates to either a membership history value or a bidding history value of the one or more bidders, the prima facie case of obviousness is not satisfied. Thus one of ordinary skill in the art would not have the motivation to combine the Lucking-Reiley and Harrington et al. references.

Therefore, for the reasons above, the applicants submit that Harrington et al. and Lucking-Reiley are no longer properly utilized in the rejection of claim 9 and that claim 9 is currently allowable.

Sections 16, 17 and 18 are presently moot as applicant's have canceled claims 10, 11 and 12.

Regarding section 19, claim 19 as currently amended, recites a computer implemented method of processing an online auction event in a multi user networked environment ... comprising: "receiving at the server a request from a seller client computer system for the auction to sell a good and/or service, the server comprising a main memory including: an item registration application and a bid monitoring application; a processor, and database storage for identifying and tracking files associated respectively with the seller and bidders; receiving seller information at the server through the item registration application which information is stored in the database storage and at least one parameter value that is set by the seller and which parameter value is used for configuring the bid monitoring application; and, monitoring submitted bids at the server from bidder clients by cross referencing the submitted bids in accordance with the parameter value in the database for determining automatically if the submitted bid is to be precluded from being considered in the auction event; wherein the parameter value relates to either a membership history value or a bidding history value of the one or more bidders."

In this section the office action states that, "Harrington et al. does not explicitly teach the seller setting the parameter. Lucking-Reiley, however, does teach at least one parameter value that is set by the seller and which set value is used for configuring the bid monitor application, i.e., the individual seller chooses a minimum acceptable bid amount as a parameter in the auction listing (see page 244, lines 9-11 of Lucking-Reiley)..."

Applicants respectfully submit that Lucking-Reiley does not teach setting at least one parameter value for use in precluding a submitted bid of one or more bidders by a seller identifying the parameter value when registering for an auction at one computer system, wherein the parameter value relates to either a membership history value or a bidding history value of the one or more bidders. Lucking-Reiley teaches a seller selecting parameter values relating to a bid price amount (i.e., a minimum acceptable bid amount), and not parameter value relating to either a membership history value or a bidding history value of the one or more bidders applicants argue. Therefore, Lucking-Reiley is an inadequate reference utilized to preclude allowance of claim 19.

Applicants respectfully submit that no new matter was added in the amendment to claim 19. The application at page 4, line 11 – 18 teaches the parameter value relating to either a membership history value or a bidding history value of the one or more bidders.

Applicants agree with the office action that Harrington et al. does not explicitly teach the seller setting the parameter. Further, applicants submit that Harrington et al. does not teach a seller setting at least one parameter value for use in precluding a submitted bid of one or more bidders, wherein the parameter value relates to either a membership history value or a bidding history value of the one or more bidders. Harrington et al. merely teaches verifying that each bid is in conformance with predetermined bid parameters without teaching that the parameter values relate to either a membership history value or a bidding history value of the one or more bidders. Therefore applicants respectfully submit that Harrington et al. is also an inadequate reference utilized to preclude allowance of claim 19.

Applicants traverse the office action's assertion that it would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Lucking-Reiley to the method of Harrington et al. To establish a prima facie case of obviousness, the prior art references when combined must teach or suggest all the claim limitations. Because Lucking-Reiley and Harrington et al., does not teach a seller identifying the parameter value when registering for an auction at one computer system where the parameter value relates to either a membership history value or a bidding history value of the one or more bidders, the prima facie case of obviousness is not satisfied. Thus one of ordinary skill in the art would not have the motivation to combine the Lucking-Reiley and Harrington et al. references.

Therefore, for the reasons above, the applicants submit that Harrington et al. and Lucking-Reiley are no longer properly utilized in the rejection of claim 19 and that claim 19 is currently allowable.

In section 20 of the Office Action, the Examiner rejects claims 13-18 under 35 U.S.C. § 103 as being unpatentable over Harrington et al., in view of Lucking-Reiley, David, in view of Danneels et al., U.S. Patent No. 6,272,472B1. Applicants respectfully traverse this rejection in light of the current amendments and the following arguments.

Regarding section 21, claim 13 as currently amended, recites a computer program product adapted to facilitate exclusion of bids automatically prior to bids being entered during an online auction on a computer network comprising, “a medium readable by a computer, the computer readable medium having a computer program code to: allow a seller to set at least one parameter value for use in precluding bids of one or more bidders by the seller identifying the at least one parameter value when registering for an auction at one computer system on a network; and, automatically precluding bids from users at other computer systems on the network during the auction event that are identified by the at least one parameter value, wherein the at least one parameter value relates to either a membership history value or a bidding history value of the one or more bidders.”

In this section the office action states that, “Harrington et al. does not explicitly teach a computer program that is contained on a computer readable medium or the setting of the parameter by a user. Lucking-Reiley teaches the method to allow an user to set at least one parameter value for use in precluding bids of one or more bidders by a seller identifying the parameter value when registering for an auction at one computer system on a network, i.e., on listing-agent sites, the individual seller chooses a minimum acceptable bid amount as a parameter in the auction listing (see page 244, lines 9-11 of Lucking-Reiley).”

Applicants respectfully submit that Lucking-Reiley does not teach setting at least one parameter value for use in precluding a submitted bid of one or more bidders by a seller identifying the parameter value when registering for an auction at one computer system, wherein the parameter value relates to either a membership history value or a bidding history value of the

one or more bidders. Lucking-Reiley teaches a seller selecting parameter values relating to a bid price amount (i.e., a minimum acceptable bid amount), and not parameter value relating to either a membership history value or a bidding history value of the one or more bidders applicants argue. Therefore, Lucking-Reiley is an inadequate reference utilized to preclude allowance of claim 13.

Applicants respectfully submit that no new matter was added in the amendment to claim 13. The application at page 4, line 11 – 18 teaches the parameter value relating to either a membership history value or a bidding history value of the one or more bidders.

Applicants agree with the office action that Harrington et al. does not explicitly teach the seller setting the parameter. Further, applicants submit that Harrington et al. does not teach a seller setting at least one parameter value for use in precluding a submitted bid of one or more bidders, wherein the parameter value relates to either a membership history value or a bidding history value of the one or more bidders. Harrington et al. merely teaches verifying that each bid is in conformance with predetermined bid parameters without teaching that the parameter values relate to either a membership history value or a bidding history value of the one or more bidders. Therefore applicants respectfully submit that Harrington et al. is also an inadequate reference utilized to preclude allowance of claim 13.

Applicants traverse the office action's assertion that it would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Lucking-Reiley to the method of Harrington et al. To establish a prima facie case of obviousness, the prior art references when combined must teach or suggest all the claim limitations. Because Lucking-Reiley and Harrington et al., do not teach a seller identifying the parameter value when registering for an auction at one computer system where the parameter value relates to either a membership history value or a bidding history value of the one or more bidders, the prima facie case of obviousness is not satisfied. Thus one of ordinary skill in the art would not have the motivation to combine the Lucking-Reiley and Harrington et al. references.

Applicants submit that Dannells et al. does not teach a seller setting at least one parameter value for use in precluding a submitted bid of one or more bidders, wherein the parameter value relates to either a membership history value or a bidding history value of the one or more bidders.

Therefore applicants respectfully submit that Danneels et al. is also an inadequate reference utilized to preclude allowance of claim 13.

Applicants traverse the office action's assertion that it would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Lucking-Reiley and the method of Harrington et al to the teaching of Danneels et al. To establish a prima facie case of obviousness, the prior art references when combined must teach or suggest all the claim limitations. Because Lucking-Reiley, Harrington et al., and Danneels et al. do not teach a seller identifying the parameter value when registering for an auction at one computer system where the parameter value relates to either a membership history value or a bidding history value of the one or more bidders, the prima facie case of obviousness is not satisfied. Thus one of ordinary skill in the art would not have the motivation to combine the Lucking-Reiley, Harrington et al., and Danneels et al. references.

Therefore, for the reasons above, the applicants submit that Harrington et al., Lucking-Reiley, and Danneels et al. are no longer properly utilized in the rejection of claim 13 and that claim 13 is currently allowable.

Regarding sections 22, 23, and 24 applicants respectfully assert that Harrington et al., Lucking-Reiley, and Danneels et al. are inadequate references utilized to preclude allowance of claims 14, 15, and 16 for the reasons stated above. Particularly that, dependent claims 14, 15, and 16 depend, directly or indirectly, from independent claim 13, which applicants respectfully argue is presently allowable.

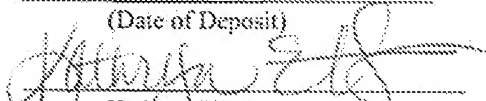
Sections 25 and 26 are presently moot, as applicants have canceled claims 5 and 6.

In view of the foregoing comments and amendments, the Applicants respectfully submit that all of the pending claims (i.e., claims 1 – 4, 7, 9, 13 – 16, and 19 – 25) are in condition for allowance and that the application should be passed to issue. The Examiner is urged to call the undersigned at the below-listed telephone number if, in the Examiner's opinion, such a phone conference would expedite or aid in the prosecution of this application.

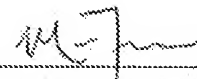
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Attachments